

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Ikaika Anderson, Chair; Trevor Ozawa, Vice-Chair;
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
March 3, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, to which was referred Bill 11 (2016) entitled:

"A BILL FOR AN ORDINANCE REGULATING FOR AN INTERIM PERIOD THE
ISSUANCE OF BUILDING PERMITS IN THE AREA COMMONLY REFERRED
TO AS AIEA, RED HILL, MOANALUA AND SALT LAKE IN THE CITY AND
COUNTY OF HONOLULU,"

which passed First Reading at the February 17, 2016 Council meeting, reports as follows:

The purpose of Bill 11 (2016) is to provide the City Administration and the City Council sufficient time to fully explore and evaluate comprehensive transportation improvements addressing traffic congestion in the Aiea-Red Hill-Moanalua Salt Lake area by establishing an Aiea-Red Hill-Moanalua-Salt Lake Interim Development Control Area.

At your Committee's meeting on March 3, 2016, the Director of Planning and Permitting expressed reservations about the Bill. The Director stated that traffic congestion originates outside the subject area on freeways and arterial roadways, some of which are not under jurisdiction of the City, and that activity at Moanalua Hillside is just a small part of the traffic problem. He also noted that the entire roadway corridor is experiencing severe traffic issues and it should not be assumed that one area is any worse than another. The Director further stated that the City could perform a study without placing a building moratorium on the area. In response to a question asked by Committee Chair Anderson, the DPP Director stated that one way the City may be able to provide

CITY COUNCIL

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ADOPTED ON

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some relief would be to increase bus service in the subject area. The Director further stated that he had not yet spoken with Department of Corporation Counsel (COR) regarding any legal challenges that the Bill may present.

Committee Member Fukunaga expressed that she and her staff would work with the DPP to address any legal concerns with the Bill.

Committee Member Manahan requested that the map exhibit be amended so that the boundary line for the interim development control area would extend to Kalihi Street. An Office of Council Services attorney explained that the amendment would not be appropriate in Bill 11 as Kalihi is not currently part of the area description which appears in the title of the bill.

Councilmember Menor expressed concerns that as the issuance of building permits is a ministerial process, the proposal may violate certain property owner rights and further looks forward to hearing an opinion by COR.

Committee Chair Anderson, stating that he is a consistent advocate for affordable housing, expressed his concerns that the Bill appears to target a particular affordable housing project and that the Bill would not serve to address traffic concerns in the subject area. He said that he was willing to move the Bill out for Second Reading and Public Hearing in order that it be referred back to the Zoning and Planning Committee to be heard at its next meeting for discussion only. He further stated that he will invite the State Department of Transportation officials to the March 31, 2016 Zoning & Planning Committee meeting to give input on the bill and to answer questions regarding the State's plans for traffic mitigation in the corridor.

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A representative of Douglas Emmett Management, LLC., owner of Moanalua Hillside Apartments, offered numerous comments on Bill 11 and asked for its deferral. Testimony in opposition to Bill 11 was received by representatives of Hawaii Construction Alliance and Hawaii Regional Council of Carpenters. Comments were offered by one individual. Written testimony in opposition to the Bill was received from The Pacific Resource Partnership and from three individuals. Written comments were received from one individual.

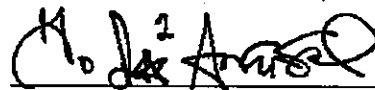
Written testimony in support of the Bill was received from Sen. Donna Mercado Kim, Rep. Linda Ichiyama and Rep. Aaron Ling Johanson. Six other individuals submitted written supporting testimony. A petition signed by 177 individuals was submitted in support of the Bill.

Your Committee believes that additional public testimony at the public hearing recommended herein to be scheduled on this bill will provide further assistance to your Committee and to the Council in their deliberations on this bill.

Your Committee on Zoning and Planning recommends that Bill 11 (2016) pass Second Reading, be scheduled for public hearing, and thereafter be referred back to Committee. (Ayes: Anderson, Fukunaga, Kobayashi, Manahan, Ozawa – 5; Noes: None.)

Respectfully submitted,

At the 3/16/16 Council meeting, the Bill was amended and subsequently passed Second Reading in the form attached hereto as Bill 11, FD1.



Committee Chair

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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

MAR 16 2016

COMMITTEE REPORT NO. **79**



A BILL FOR AN ORDINANCE

REGULATING FOR AN INTERIM PERIOD THE ISSUANCE OF BUILDING PERMITS
IN THE AREA COMMONLY REFERRED TO AS AIEA, RED HILL, MOANALUA AND
SALT LAKE IN THE CITY AND COUNTY OF HONOLULU.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The Council finds that traffic congestion in the Aiea-Red Hill-Moanalua-Salt Lake region has progressively worsened and there is no definite timeline for planned improvements in the region that will appreciably improve traffic congestion. Existing traffic congestion conditions adversely affect the quality of life of residents in the Aiea-Red Hill-Moanalua-Salt Lake region, and also adversely affect businesses by making them less accessible to customers, increasing commute time for workers, and increasing travel times for deliveries.

The Council further finds there are a number of major roadway arterials in the Aiea-Red Hill-Moanalua-Salt Lake region including the H-1 and H-3 Freeways, Moanalua Road, and Kamehameha Highway. Numerous high-volume traffic generators are also situated in the region including Kaiser Permanente Moanalua Medical Center, Aliamanu Military Reservation, Joint Base Pearl Harbor-Hickam, the U.S.S. Arizona and Battleship Missouri Memorials, the Honolulu International Airport, the Federal Detention Center, The U.S. Postal Service Honolulu District Office, the Tripler Army Medical Center, Fort Shafter, Camp Smith, Aloha Stadium, Ford Island, the Pacific Aviation Museum, Pearlridge Center, and several large residential developments.

The purpose of this ordinance is to provide the City Administration and the City Council sufficient time to fully explore and evaluate comprehensive transportation improvements that will address traffic congestion in the Aiea-Red Hill-Moanalua-Salt Lake region. This ordinance will prevent a race of diligence between property owners and the City and County of Honolulu during the interim period while alternatives are being explored and evaluated and while additional land use controls are being considered.

The Council deems the adoption of this ordinance, under its general police and home rule powers, to be in the best interest of the community and its health, safety and general welfare.



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SECTION 2. Map of the Affected Area.

There is hereby established an Aiea-Red Hill-Moanalua-Salt Lake Interim Development Control (IDC) Area which is designated and appropriately marked on the Interim Development Control Map attached hereto, marked Exhibit A, and by reference made a part hereof.

SECTION 3. Applicability.

- A. From the effective date of this ordinance until six months thereafter, no applications for building or grading permits are to be accepted, and no building or grading permits are to be issued, within the area designated as the Aiea-Red Hill-Moanalua-Salt Lake Interim Development Control Area, except as specifically permitted herein.
- B. Section 3.A does not apply to the application for or issuance of a building permit in the following instances:
 - 1. To perform work permitted under Section 18-3.1, Revised Ordinances of Honolulu, to make an existing building or structure conform to or comply with applicable laws or regulations.
 - 2. To perform maintenance and repair to an existing structure or building.
 - 3. To permit improvements to an existing structure or building.
 - 4. Construction of a single-family dwelling, ohana dwelling, accessory dwelling unit, or two-family detached dwelling that is not part of a larger development.
 - 5. Developments generating less than two hundred vehicle trips per day as determined by a traffic study.
 - 6. Construction directly related to the Honolulu Rail Transit Project.
 - 7. Public works projects funded in whole or in part by the federal government..
- C. Nothing contained in this ordinance is to be deemed to affect:



A BILL FOR AN ORDINANCE

1. Any building or grading permit which has been lawfully issued and in effect on the effective date of this ordinance;
2. Any building permit application or grading permit application that was submitted and accepted for processing as of the date of introduction of the bill enacted as this ordinance; or
3. The granting, issuance and/or approval of building permits within an area not designated as within the interim development area on the Interim Development Control Maps attached hereto as Exhibit A.

SECTION 4. Penalties.

Any person, firm, entity or corporation who uses, constructs, erects, enlarges, or structurally alters any building or structure in violation of this ordinance shall be subject to the penalties and enforcement procedures set forth in Chapter 21, Section 21-2.150, et seq., of the Land Use Ordinance of the City and County of Honolulu.

SECTION 5. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or portion of this ordinance will not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.



A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

Joey Manahan

DATE OF INTRODUCTION:

February 10, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

AIEA-RED HILL-MOANALUA-SALT LAKE
INTERIM DEVELOPMENT CONTROL AREA

Prepared by: Office of Council Services

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Note: Data represented on this map is not
intended to replace site survey.



IDC AREA



0 0.5 1 Miles

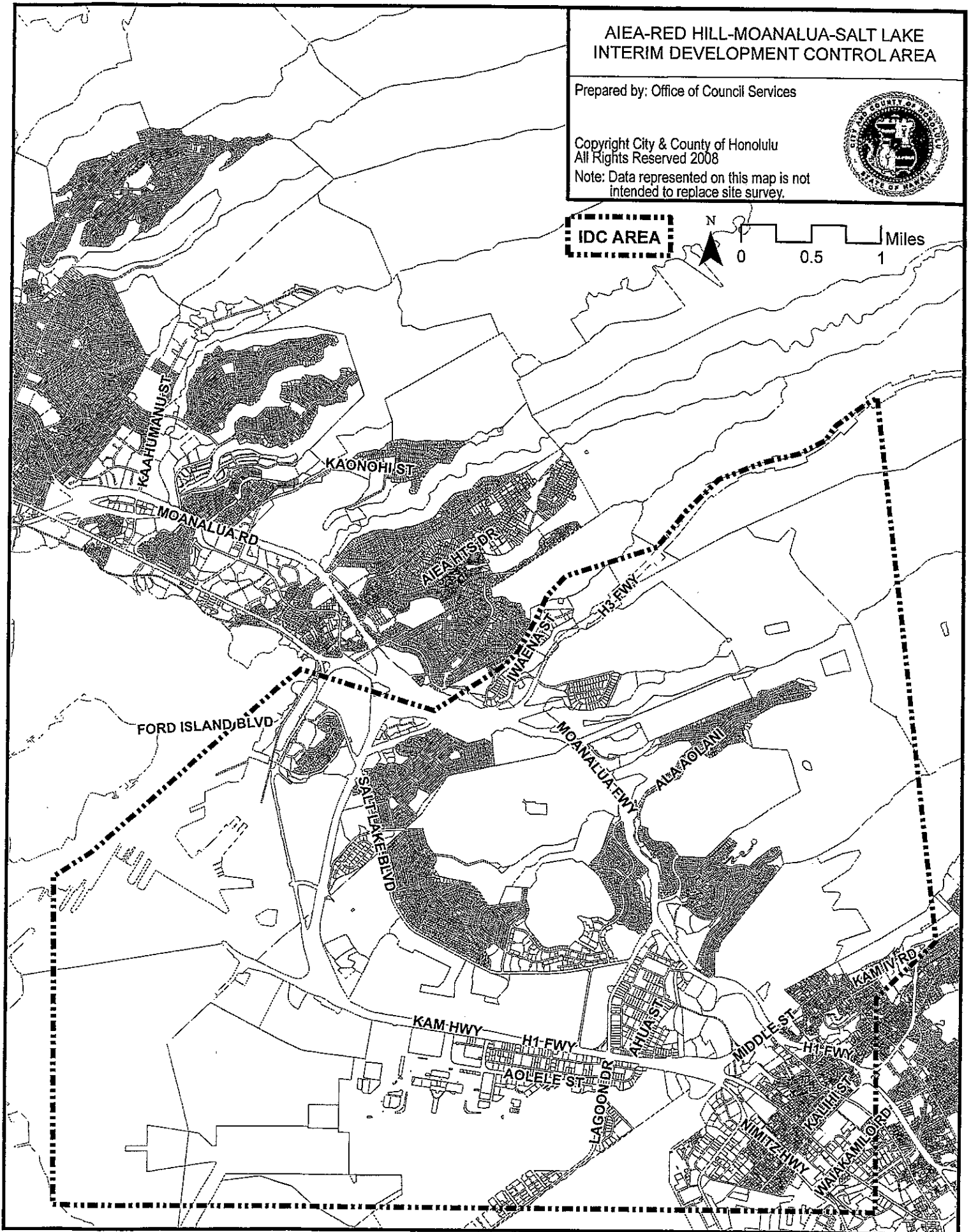


EXHIBIT A